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In Re Application of

KOBAYASHI et al.

Serial No.: 10/518,683

PCT No.: PCT/JP03/07733

Int. Filing Date: 18 June 2003

Priority Date: 18 June 2002

Attorney Docket No.: 890050.515USPC

For: SOLID ELECTROLYTIC CAPACITOR, CIRCUIT

BOARD HAVING BUILT-IN SOLID ELECTROLYTIC

CAPACITOR

:
:
: DECISION ON PETITION

:
:
: UNDER 37 CFR 1.182

This is a decision on a petition under 37 CFR 1.182 filed in the United States Patent and Trademark Office (USPTO) on 12 August 2005.

On 17 December 2004, applicant filed a request for national stage entry under 35 U.S.C. 371 for the above referenced international application. On 26 May 2005, a Notification of Acceptance was mailed to applicant erroneously indicating the date of receipt of all requirements under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) as 17 December 2004.

On 12 August 2005, applicant filed the instant petition along with an executed declaration directed to the above referenced international application. Applicant alleges that the USPTO incorrectly mailed a Filing Receipt and Notice of Acceptance.

A review of the application file reveals that a declaration was not previously filed. The Notification of Acceptance (Form PCT/DO/EO/903) was erroneously issued on 26 May 2005 since an oath or declaration in compliance with 37 CFR 1.497(a) and (b) had not been filed and the requirements of 35 U.S.C. 371(c) had not been met. The 26 May 2005 Notification of Acceptance is incorrect and hereby **VACATED**.

A review of the finance records for this application reveals that the \$130 surcharge for filing the declaration after the thirty month period was paid. The declaration filed on 12 August 2005 is executed by the inventors, in compliance with 37 CFR 1.497(a) and (b), and is acceptable.

The petition under 37 CFR 1.182 is **GRANTED**. A new Notification of Acceptance will be issued. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is **12 August 2005**. A new filing receipt will be issued.

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